

REMARKS

1. Rejection of claims 8, 9, 12, 13, and 15-17 under 35 U.S.C. 103(a) as being unpatentable over JP 2001196641 in view of JP 200276161:

5

Claim 8 has been amended to overcome this rejection. Specifically, the limitation of "each of the metal layers comprising a silver layer positioned on the substrate" is added in claim 8. These amendments are fully supported in the specification, such as in paragraph [0024]. No new matter is entered.

As the examiner recited, in JP 2001196641, Ishibashi discloses a surface mount light emitting diode package with a light diode 4 encapsulated in sealant 6, connected to two separate pairs of electrodes 15 2 and 3 insulated from each other. In addition, JP 200276161 discloses a surface mount light emitting diode where in Fig.2, solder paste layers are prevented from penetrating into the space between the sealant and the metal layer pairs 7 and 8. However, since both of JP 2001196641 and JP 200276161 fail to teach or suggest the limitation "the metal layers 20 comprising a silver layer positioned on the substrate", the applicant respects the examiner's opinions recited in the office action document, and adds this limitation in claim 8. Therefore, the invention as recited in amended claims 8 is not obvious in view of JP 2001196641 and JP 200276161. Claims 9, 12, 13, and 15-17 are dependent on claim 8 and 25 should be allowed if claim 8 is allowed.

Reconsideration of claims 8, 9, 12, 13, and 15-17 is requested.

2. Objection to claims 10, 11 and 14 as being dependant upon a rejected 30 base claim:

Claims 10, 11 and 14 would be allowable if rewritten in independent

form to include all limitations of the base claim and any intervening claim for reasons of record. The applicant notes this allowance, and believes the limitation included in claim 11 suffices for differentiating from the cited prior arts. In addition, claim 10 has been amended in full 5 accord with the amended claim 8, and these amendments find support in the specification, such as in paragraph [0021]. No new matter is entered. Thus, reconsideration of claims 10 and 14 is requested in view of the amendments made to claim 8.

10 Sincerely,



Date: 9/13/2004

15 Winston Hsu, Patent Agent No. 41,526
P.O. BOX 506

Merrifield, VA 22116

U.S.A.

e-mail : winstonhsu@naipo.com

20 (Please contact me by e-mail if you need a telephone communication and I will return
your call promptly)